

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

PARENT ON BEHALF OF STUDENT,

v.

NORWALK-LA MIRADA UNIFIED
SCHOOL DISTRICT, LONG BEACH
UNIFIED SCHOOL DISTRICT, WEST
SAN GABRIEL VALLEY SELPA, LOS
ANGELES COUNTY DEPARTMENT OF
EDUCATION, AND GARVEY SCHOOL
DISTRICT

OAH CASE NO. 2013120327

ORDER GRANTING MOTION TO
AMEND COMPLAINT, DISMISSING
WEST SAN GABRIEL VALLEY
SELPA AND ADDING GARVEY
SCHOOL DISTRICT

On December 6, 2013, Student filed a Due Process Hearing Request](complaint), naming as Respondents Norwalk La Mirada Unified School District (Norwalk), Long Beach Unified School District (Long Beach), West San Gabriel Valley SELPA (SELPA) and Los Angeles County Department (Office) of Education (LACOE) (collectively ,Respondents).

On January 17, 2014, Student filed an amended complaint, adding matters which occurred after the filing of the complaint, including events leading up to Student's acceptance to an out-of-state residential treatment facility. Based upon information Student received from SELPA, Student also requested that SELPA be dismissed as a party, and Garvey School District (Garvey) be added as a party. On January 22, 2014, Respondents notified OAH in writing that they did not oppose Student's amended complaint.

An amended complaint may be filed when either (a) the other party consents in writing and is given the opportunity to resolve the complaint through a resolution session, or (b) the hearing officer grants permission, provided the hearing officer may grant such permission at any time more than five (5) days prior to the due process hearing. (20 U.S.C. §1415(c)(2)(E)(i).)¹ The filing of an amended complaint restarts the applicable timelines for the due process hearing. (20 U.S.C. §1415(c)(2)(E)(ii).)

¹ All statutory citations are to Title 20 United States Code unless otherwise indicated.

As a result of the restart of the applicable timelines, Garvey will not be prejudiced as it will have sufficient notice of Student's amended complaint and will be able to participate in a resolution session, mediation (if desired), and prepare for the due process hearing.

ORDER

1. The motion to amend is timely and is granted. The amended complaint shall be deemed filed on the date of this order. All dates are vacated and all applicable timelines shall be reset as of the date of this order. OAH will issue a scheduling order with the new dates.
2. Student's request to dismiss SELPA is granted. On all further pleadings and filings, SELPA shall be removed from the caption of the matter and the service list.
3. Student's request to add Garvey as a party is granted. Garvey shall be added to the caption of the matter and the service list. The parties shall include Garvey on their service lists.

IT IS SO ORDERED.

Dated: January 23, 2014

/s/

EILEEN COHN
Administrative Law Judge
Office of Administrative Hearings